

DEFINITIONS AND ACRONYMS

These definitions pertain to the Kansas Water Pollution Control General Permit and Authorization to Discharge **STORMWATER RUNOFF FROM CONSTRUCTION ACTIVITIES** under the National Pollutant Discharge Elimination System. Persons subject to the general NPDES permit for Stormwater Runoff From Construction Activities should make themselves familiar with this list of definitions.

"Best Management Practices" ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

"Bypass" means any diversion of contaminated stormwater runoff away from BMPs.

"Commencing Construction" means starting to remove vegetation or disturb the soil located at the site.

"Critical Water Quality Management Area" means a watershed, or a portion of a watershed, in which application of minimum state or national wastewater and water quality management practices and procedures cannot be reasonably expected to result in attainment of water quality goals, attainment of water quality standards, protection of resources of the state, prevention of excessive sediment deposition in stream beds, lakes or reservoirs, or prevention of destruction of fishery habitat; or an area in which additional treatment and control of pollutants can result in additional cost effective benefits.

"CWA" means the Clean Water Act or the Federal Water Pollution Control Act, 33 U.S.C. 1251 et seq., as amended on February 4, 1987.

"Department" means the Kansas Department of Health and Environment.

"Defined Drainage" means any water course which has a well-defined bed and banks and a drainage area above the point in question exceeding 160 acres or a greater acreage designated by the Chief Engineer, Kansas Department of Agriculture. The stream need not flow continuously and may flow only briefly after a rain in the watershed.

"Director" means the Director of the Division of Environment, of the Kansas Department of Health and Environment.

"EPA" means the U.S. Environmental Protection Agency.

"Exceptional State Waters" means any of the surface waters or surface water segments that are of remarkable quality or of significant recreational or ecological value, are listed in the surface water register, as defined in K.A.R. 28-16-28b(bbb), and are afforded the level of water quality protection under the antidegradation provisions of K.A.R. 28-16-28c(a) and the mixing zone provisions of K.A.R. 28-16-28c(b).

"Final Stabilization" means all soil disturbing activities at the site have been completed and a uniform perennial vegetative cover with a density of 70% of the cover which is typical for undisturbed areas, unpaved areas, or areas not covered by permanent structures, in the geographic location of the construction site, has been established, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed.

"ILC" means the Individual Lot Certification which is to be completed by the permittee and the purchaser of an individual lot or parcel of the overall tract subject to the general NPDES permit for Stormwater Runoff from Construction Activity.

"KDHE" means the Kansas Department of Health and Environment.

"Large Construction Activity" means construction activity including, but not limited to, clearing, grubbing, grading, and excavation which disturbs five acres or more; or which is part of a larger common plan of development or sale which disturbs a cumulative total area of five acres or more during the life of the project. (See endnote a);

"Municipal Separate Storm Sewer System" means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that are owned or operated by a state, city, town, borough, county, parish, district association, or other public body which is designed or used for collecting or conveying stormwater.

"National Pollutant Discharge Elimination System" means the national system for the issuance of permits under 42 U.S.C. Section 1342 and includes any state or interstate program which has been approved by the administrator, in whole or in part, pursuant to 42 U.S.C. Section 1342.

"NOI" means the Notice of Intent form which is to be used to apply for authorization to discharge under this general permit [A copy of the NOI form is provided as part of the general permit.].

DEFINITIONS AND ACRONYMS

"NOT" means the Notice of Termination statement which is to be completed by the permittee once the project is completed.

"NOTO" means the Notice of Transfer of Ownership form which is to be completed by the permittee and the new site owner or operator when sale of the entire permitted tract occurs.

"Owner(s) or operator(s)" means the party or parties that either individually or taken together meet the following two criteria: 1) they have operational control over the site specifications; 2) they have the day-to-day operational control of those activities at the site necessary to ensure compliance. For a typical commercial construction site, KDHE herein defines the owner or general contractor to be the "owner or operator". For a typical residential development (subdivision), KDHE herein defines the owner or an authorized representative to be the "owner or operator". Each owner or operator who individually does not engage in a large construction activity must apply when the larger plan of development is a large construction activity. On or after March 10, 2003, each owner or operator who individually does not engage in a small construction activity must also apply when the larger plan of development is a small or large construction activity.

"Outstanding National Resource Water" means any of the surface waters or surface water segments of extraordinary recreational or ecological significance identified in the surface water register, as defined in K.A.R. 28-16-28b(bbb), and afforded the highest level of water quality protection under the antidegradation provisions of K.A.R. 28-16-28c(a) and the mixing zone provisions of K.A.R. 28-16-28c(b).

"Permit" means an authorization, license, or equivalent control document issued by the Director to implement the requirements of K.A.R. 28-16-57. Permit includes a 'general permit' (K.A.R. 28-16-150). Permit does not include any document which has not yet been subject to final agency action, such as a "draft permit" or "proposed permit."

"Permittee" means the individual, company, corporation, institution, municipality, township, county, federal agency, owner, operator, or legally constituted sewer district which is authorized by a Kansas Water Pollution Control permit to discharge to the waters of the State and which has operational control of the permitted discharge by specifying activities at the site.

"Point Source" means any discernible, confined, and discrete conveyance, including, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or floating craft from which pollutants are or may be discharged. This term may include structures or site conditions that act to collect and convey stormwater runoff from roadways, urban areas, or industrial sites. This term shall not include agriculture stormwater discharges or return flows from irrigated agricultural land.

"Rainfall Erosivity Waiver" means a waiver of the applicable requirements of the general NPDES permit for Stormwater Runoff from Construction Activities. Owners or operators of small construction activities which are eligible for coverage under the general NPDES permit for Stormwater Runoff from Construction Activities may receive a waiver from KDHE provided the value of the rainfall erosivity factor ("R" in the Revised Universal Soil Loss Equation) is less than five (5) during the period of construction activity.

"Severe Property Damage" means substantial physical damage to property or substantial and permanent loss of natural resources which would be reasonably expected to occur in the absence of a bypass.

"Small Construction Activity" means construction activity such as clearing, grubbing, grading, and excavation, etc., which disturbs one acre or more, and less than five acres; or which is part of a larger common plan of development or sale which disturbs a cumulative total area of one acre or more, and less than five acres during the life of the project. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility. (See endnote a);.

"Special Aquatic Life Use waters" means surface waters which contain combinations of habitat types and indigenous biota not found commonly in the state, or surface waters which contain representative populations of threatened or endangered species.

"Stormwater" means stormwater runoff induced by atmospheric precipitation, including snow melt runoff, and surface runoff and drainage.

"Stormwater Runoff from Industrial Activities" means the discharge from any conveyance which is used for collecting and conveying stormwater and which is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the Kansas Water Pollution Control program.

"Stormwater Runoff from Large Construction Activities" means stormwater runoff from areas where construction activities are located, including clearing, grading and excavation; except operations that result in the disturbance of less than five acres of total land area. Large construction activity also includes the disturbance of less than five acres of total land area that is a part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more. (see endnote a); (See 40 CFR 122.26(b)(14)(x) for further clarification.)

DEFINITIONS AND ACRONYMS

"Stormwater Runoff from Small Construction Activities" means stormwater runoff from areas where construction activities are located. Construction activities include clearing, grading and excavating that result in land disturbance of equal to or greater than one acre and less than five acres of total land area. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one and less than five acres. Small construction activities do not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility. (See 40 CFR 122.26(b)(15) for further clarification.)

"Surface water" means all of the following:

- (1) streams, including rivers, creeks, brooks, sloughs, draws, arroyos, canals, springs, seeps and cavern streams, and any alluvial aquifers associated with these surface waters;
- (2) lakes, including oxbow lakes and other natural lakes and man-made reservoirs, lakes and ponds; and
- (3) wetlands, including water bodies meeting the technical definition for jurisdictional wetlands given in the "corps of engineers wetlands delineation manual," as published in January 1987, which is hereby adopted by reference.

"Surface Waters of the State" means all surface waters occurring within the borders of the state of Kansas or forming a part of the border between Kansas and one of the adjoining states.

"Urbanized Area" means a land area comprising one or more places; central place(s); and the adjacent densely settled surrounding area; or urban fringe; that together have a residential population of at least 50,000 and an overall population density of at least 1,000 people per square mile.

ENDNOTES

a Construction activities such as clearing, grubbing, grading, and excavation, etc., which disturbed less than five acres were exempt under Phase I. Beginning on March 10, 2003, small construction activities (see above) are required to have an authorization to discharge under the Kansas Water Pollution Control General Permit and Authorization to Discharge Stormwater Runoff from Construction Activities. (National Pollutant Discharge Elimination System - Regulations for Revision of the Water Pollution Control Program Addressing Storm Water Discharges; Final Rule, 64 FR 68721-68851, December 8, 1999)

DEFINITIONS AND ACRONYMS

BMPs - Best Management Practices

CERCLA - Comprehensive Environmental Response, Compensation and Liability Act

CFR - Code of Federal Regulations

CWA - Clean Water Act

CWQMA - Critical Water Quality Management Area

EPA - U.S. Environmental Protection Agency

ESW - Exceptional State Water

ILC - Individual Lot Certification

ISTEA - Intermodal Surface Transportation Efficiency Act

K.A.R. - Kansas Administrative Regulations

KDHE - Kansas Department of Health and Environment

KDWP - Kansas Department of Wildlife and Parks

K.S.A. - Kansas Statutes Annotated

MS4 - Municipal Separate Storm Sewer System

NOI - Notice of Intent

NOT - Notice of Termination

NOTO - Notice of Transfer of Ownership

NPDES - National Pollutant Discharge Elimination System

NRDC - Natural Resources Defense Council

NTIS - National Technical Information Service

ONRW - Outstanding National Resource Water

RCRA - Resource Conservation and Recovery Act

SALU - Special Aquatic Life Use

SHPO - State Historic Preservation Officer

SMCRA - Surface Mining Control and Reclamation Act

SWP2 - Stormwater Pollution Prevention (plan)

U.A. - Urbanized Areas

U.S.C. - United States Code